

ASSEMBLY BILL

No. 1398

Introduced by Assembly Member Vargas

February 21, 2003

An act to amend Section 25664 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1398, as introduced, Vargas. Alcoholic beverages.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. That act also prohibits, subject to a criminal penalty, the use of alcoholic beverages in any advertisement that encourages minors to drink the alcoholic beverages.

This bill would create the presumption that any billboards, signage, or flyers that advertise establishments that serve alcoholic beverages to individuals under the age of 21 years are prohibited, if one of the establishment's principal business activities is the selling of alcoholic beverages.

This bill would impose a state-mandated local program by changing the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25664 of the Business and Professions
2 Code is amended to read:
3 25664. (a) (1) The use ~~in any advertisement~~ of alcoholic
4 beverages *in any advertisement* of any subject matter, language, or
5 slogan addressed to and intended to encourage minors to drink the
6 alcoholic beverages is prohibited. ~~Nothing~~
7 (2) *Billboards, signage, or flyers advertising establishments*
8 *that serve alcoholic beverages to individuals under the age of 21*
9 *years are presumed to be prohibited under paragraph (1) if one of*
10 *the establishment's principal business activities is the selling of*
11 *alcoholic beverages.*
12 (3) *Nothing* in this section shall be deemed to restrict or prohibit
13 any advertisement of alcoholic beverages to those persons of legal
14 drinking age.
15 ~~The~~
16 (b) *The* department may adopt rules as it determines to be
17 necessary for the administration of this section.
18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.